

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7887 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

RATNABHAI T RABARI

Versus

EXECUTIVE ENGINEER

Appearance:

MR RR VAKIL for Petitioners
MR SAMIR DAVE for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 15/09/2000

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. During the pendency of the special civil application,
the services of the petitioners were terminated but this
court has protected them by grant of interim relief and

reference may have to the civil application No.1184 of 1991 wherein this order has been passed on 21.10.91 (Coram: C.K.Thakkar, J.). So all the petitioners are in service. From the facts of the case which are not in dispute, the petitioners were working as daily wagers with the respondents prior to 17.10.88. Whether their cases fall under the Government Resolution dated 17.10.88 or not is a matter to be considered and decided by the respondents. From the reply to the special civil application, I find that this exercise has not been undertaken by the respondents in its correct perspective, otherwise, there are all the possibilities that, may not be all, but some of the petitioners would have got the benefit of the Resolution aforesaid. Many questions of fact are to be gone into for deciding the eligibility and entitlement of the petitioners for benefits as conferred to daily wager employees under the Government Resolution dated 17.10.88 and this exercise has to be undertaken by respondents.

#. This petition is disposed of in the terms that the respondents are directed to consider the case of the petitioners of giving them the benefits as provided to daily wager employees under the Resolution dated 17.10.88 and as amended from time to time. This exercise has to be completed and final order has to be passed by respondents within a period of three months from the date of receipt of Writ of this order. If the order passed by the respondents goes against the petitioners or any of the petitioners, liberty is granted for revival of this special civil application to the affected petitioner. Rule and special civil application stand disposed of accordingly with no order as to costs.

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(sunil)